

AMENDED IN ASSEMBLY JUNE 26, 2006

AMENDED IN ASSEMBLY JUNE 15, 2006

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE MAY 2, 2006

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1483

Introduced by Senator Alquist

February 23, 2006

An act to add and repeal Section 17441 of the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

SB 1483, as amended, Alquist. Child support.

Existing law sets forth provisions by which a child support order may be revised by the court and specifies that a support order may not be modified or terminated as to an amount that accrued before the filing of a motion or an order to show cause to modify, except as specified.

This bill, until January 1, 2010, would establish, if approved by a resolution of a county board of supervisors, a child support pilot project for the Counties of Alameda, Fresno, Orange, San Mateo, and Santa Clara. The bill would authorize the court in those counties to modify a child support order when a local child support agency submits an application for modification of support that complies with specified provisions. The bill would specifically authorize a local child support agency to seek modification of an existing child support order if it has received income information for one or both parents that

indicates that an existing order is not in substantial conformity with state child support guidelines, as specified.

The bill would require the Department of Child Support Services to develop and annually review necessary and appropriate forms for implementation of the expedited order modification process and would require the Department of Child Support Services and the Judicial Council to conduct an evaluation of the effectiveness of this pilot project and report the results to the Governor and the Legislature by July 1, 2009.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17441 is added to the Family Code, to
2 read:

3 17441. (a) If a local child support agency is providing child
4 support services pursuant to Title IV-D of the Social Security Act
5 and pursuant to Section 17400, 17402, or 17404, the court may
6 modify a child support order when a local child support agency
7 submits an application for modification of support in compliance
8 with this section. An order issued pursuant to this section shall be
9 known as an expedited modification order.

10 (b) The local child support agency may seek modification of
11 an existing child support order under this section if it has
12 received income information for one or both of the parents that
13 indicates that an existing order is not in substantial conformity
14 with state child support guidelines and the case meets criteria
15 established by the Department of Child Support Services. In
16 developing the criteria for cases to be eligible for expedited
17 modification under this section, the Department of Child Support
18 Services shall consult with the Child Support Directors
19 Association, the Judicial Council, *child support advocacy*
20 *organizations, representatives of custodial and noncustodial*
21 *parents*, and representatives of the local child support agencies,
22 child support commissioners, and family law facilitators from the
23 counties that are designated as the pilot counties in subdivision
24 (i). The criteria shall be developed within six months of the
25 enactment of this act and shall be annually reviewed by the

1 Department of Child Support Services in consultation with the
2 stakeholders identified in this section.

3 (c) To establish an expedited modification order, the local
4 child support agency shall serve an application to modify child
5 support, child support guideline worksheet, proposed order of
6 support, *a blank copy of both an* objection to modification and
7 request for hearing, and instructions on how to complete the
8 objection to modification and request for hearing on both parents.
9 The child support guideline worksheet shall include a simple to
10 read statement of the financial and visitation factors used to
11 determine the guideline level of child support and a description
12 of the sources of information used to determine the financial and
13 visitation factors. Service of the application and supporting
14 documents may be made as specified in the Code of Civil
15 Procedure. Service by mail shall be to a verified active address
16 on file with the local child support agency.

17 (d) A party may object to the proposed order and request a
18 hearing by serving the local child support agency, within 30 days
19 of receipt of the application to modify child support, with a
20 completed objection to modification and request for hearing.

21 (e) Upon receipt of an objection, the local child support
22 agency shall file the objection together with the application to
23 modify support, the proposed order, and the child support
24 guideline worksheet with the court. The court shall set the matter
25 for hearing. The local child support agency shall give each party
26 30 days written notice of the hearing date. At the hearing on the
27 objection to the proposed order, the court may enter a child
28 support order that is in accordance with the state child support
29 guideline.

30 (f) If the local child support agency does not receive an
31 objection to modification and request for a hearing within 40
32 days of ~~mailing~~ *service of* the application, it may file the
33 proposed order, the application to modify child support, and the
34 child support guideline worksheet with the court, together with a
35 proof of service for the parties and a statement verifying that the
36 local child support agency has not received an objection to the
37 proposed order. The court may issue a final order of modification
38 upon receipt of these documents without further hearing or
39 evidence. However, no final order shall be issued unless the local
40 child support agency certifies that service was made to an

1 address verified as current and active, within the last 90 days,
2 through a reliable government database. The local child support
3 agency shall serve the final order upon the parties by mail along
4 with forms and information necessary to set aside the order.

5 (g) (1) Any order modified pursuant to subdivision (e) may be
6 made retroactive to the date of filing of the objection, application
7 to modify support, proposed order, and child support guideline
8 worksheet.

9 (2) Except for good cause shown, any order modified pursuant
10 to subdivision (f) shall be effective on the first day of the month
11 following the date of service of the application and supporting
12 documents as provided in the Code of Civil Procedure.

13 (h) Notwithstanding any other law, the local child support
14 agency or either parent may file a motion to set aside an
15 expedited modification of support established under subdivision
16 (f) within one year of the first collection of support that occurs
17 after modification of the order. The one-year time period from
18 the first collection shall run from the date that the local child
19 support agency receives the collection. If the expedited
20 modification order was for zero support, the one-year period
21 shall run from the date that the party filing the motion to set aside
22 the support order received notice of the modified order. Upon the
23 request of either parent made within the timeframes set forth in
24 this subdivision, the local child support agency shall file a motion
25 to set aside the order. The court retains the jurisdiction to set
26 support at the appropriate amount back to the commencement
27 date of the vacated order in the event a set aside is granted.

28 (i) This section shall apply only to the counties of Alameda,
29 Fresno, Orange, San Mateo, and Santa Clara as a pilot project.
30 The Department of Child Support Services and the Judicial
31 Council shall conduct an evaluation of the effectiveness of this
32 pilot project and shall report the results of the pilot project to the
33 Governor and the Legislature on or before July 1, 2009.

34 (j) The Department of Child Support Services shall develop
35 forms to implement this section in consultation with the Judicial
36 Council, representatives of the Child Support Directors
37 Association, *child support advocacy organizations*,
38 *representatives of custodial and noncustodial parents*, and the
39 local child support agencies, child support commissioners, and
40 family law facilitators from the counties that are designated as

1 the pilot counties in subdivision (i). The forms shall be developed
2 within six months of the enactment of this act and shall be
3 annually reviewed by the Department of Child Support Services
4 in consultation with the stakeholders identified in this section.

5 (k) This section shall not be operative in a county described in
6 subdivision (i) until the county board of supervisors adopts a
7 resolution that makes this section applicable in that county.

8 (l) This section shall remain in effect only until January 1,
9 2010, and as of that date is repealed, unless a later enacted
10 statute, that is enacted before January 1, 2010, deletes or extends
11 that date.